

STATE OF MICHIGAN  
COURT OF APPEALS

---

In the Matter of S. GREER, Minor.

UNPUBLISHED

January 14, 2014

No. 315680

Ogemaw Circuit Court

Family Division

LC No. 12-014786-NA

---

Before: WHITBECK, P.J., and FITZGERALD and O'CONNELL, JJ.

PER CURIAM.

Respondent appeals as of right the order terminating her parental rights to the minor child under MCL 712A.19b(3)(l) (parental rights to another child terminated). We affirm.

Respondent first argues that the trial court erred by declining to place the minor child with her at the conclusion of the emergency preliminary hearing that resulted in the court authorizing a petition to terminate parental rights. She cites no authority to support her position that the trial court erred by refusing to place the child in her care at the time of the preliminary hearing. Rather, she simply quotes MCL 712A.131(3) and (5), which delineates the placement procedures after a petition is authorized. Nonetheless, we find no error in the trial court's decision to not place the child with respondent. *In re Rood*, 483 Mich 73, 91; 763 NW2d 587 (2009). Respondent abandoned the child when he was under the age of two and left the state. She made no arrangements for his care. With her whereabouts unknown, the court had to implement a guardianship in the years after she left. Guardianship records reveal that respondent failed to have any contact with the child for up to seven years at a time. Meanwhile, she gave birth to two more children, each of whom was permanently removed from her care and custody by a court in Georgia after she abused and neglected them. When the petition in the present case was filed, respondent was living in some type of shed that did not have a floor. Two separate psychological evaluations concluded that she lacked the cognitive and intellectual skills to parent her child. Under these circumstances, the trial court was well-justified in declining to place the child with respondent at the conclusion of the preliminary hearing. Therefore, this issue is deemed abandoned on appeal. She contends that the trial court relied too heavily on witness testimony, and that the child should have been placed in her care despite the fact that a period of seven years had elapsed during which time she made no contact with her child at all. During those seven years, respondent neglected two more of her children, and eventually, the State of Georgia terminated her rights to those children. Testimony at the preliminary hearing revealed that respondent lacked appropriate housing, and psychological evaluations indicated she lacked

the skills to care for her child. For respondent to argue that she was the most appropriate person to care for the minor child under these circumstances is wholly without merit.

Respondent also argues that the trial court erred in finding that termination of her parental rights was in the child's best interests. We disagree.

If a trial court finds that a single statutory ground for termination has been established by clear and convincing evidence and that it has been proven by a preponderance of the evidence that termination of parental rights is in the best interests of a child, the court is mandated to terminate a respondent's parental rights to that child. MCL 712A.19b(3) and (5); *In re Ellis*, 294 Mich App 30, 32; 817 NW2d 111 (2011).

The trial court found that the child was not bonded to respondent and that respondent had had minimal contact with the child for years. In contrast, the trial court noted that a potential adoptive parent was interested in adopting the child. A trial court may consider a child's need for stability and permanency when determining if termination of parental rights is in the child's best interests. *In re VanDalen*, 293 Mich App 120, 141; 809 NW2d 412 (2011). The record reflected that respondent was not able to benefit from 14 months of services in Georgia and did not care enough about the children she left behind in Michigan to contact them in any way for years at a time. Respondent was deemed incapable of caring for her minor child in two separate psychological evaluations. Testimony showed there was no bond between parent and child. Termination of respondent's parental rights was supported by the requisite evidence. *In re Moss*, 301 Mich App 76, 83; 836 NW2d 182 (2013).

Affirmed.

/s/ William C. Whitbeck  
/s/ E. Thomas Fitzgerald  
/s/ Peter D. O'Connell